

CHAPTER 13 RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980

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1300 REIMBURSABLE BUDGET

- 1300.1 Prior to October 1st of each fiscal year, the Commission and People's Counsel shall obtain from the Office of the Deputy Mayor for Financial Management, a certified written statement of the amounts of appropriations requested by the Mayor and the Council for the two (2) agencies for the fiscal year beginning October 1st of the same year, excluding amounts allocated for security regulations.
- 1300.2 Amounts, as adjusted from time to time by amendments, supplemental requests, reprogrammings, and final action by the Congress, excluding amounts to be reimbursed by non-utility common carriers, shall represent the reimbursable budgets of the respective agencies.

AUTHORITY: Unless otherwise noted, the authority for this chapter is Paragraph 42(b)4 of §8 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913; as amended by §2 of the Public Utilities Reimbursement Fee Act of 1980, D.C. Law 3-88, D.C. Code §43-612 (1981 Ed.).

SOURCE: Final Rulemaking published at 29 DCR 3245, 3246 (July 30, 1982).

1301 DETERMINATION OF REIMBURSEMENTS

- 1301.1 Each public utility shall be assessed a fraction of the reimbursable budgets of the Commission and of People's Counsel equal to the ratio of that utility's calendar year gross revenues to the sum of the calendar year gross revenues of all public utilities. Calendar year gross revenues are those revenues earned during the preceding calendar year by each public utility from utility operations in the District that are regulated by the Commission.

1301.2 For purposes of this chapter, the Commission shall use the most recent revenue figure submitted by the following:

- (a) An electric power company in its Annual Report (Federal Energy Regulatory Commission Form No. 1);
- (b) A gas company in its Annual Report (Federal Energy Regulatory Commission Form No. 2); and
- (c) A telephone company in its monthly report for the month of December (Form S.N. 155).

SOURCE: Final Rulemaking published at 29 DCR 3245, 3246 (July 30, 1982).

1302 PUBLIC NOTICE OF REIMBURSEMENTS

1302.1 Not later than thirty (30) days following the start of each fiscal year, the Commission shall publish the following information in the *District of Columbia Register*:

- (a) The net reimbursable budgets for the Commission and People's Counsel for that fiscal year;
- (b) The preceding calendar year gross revenues of each public utility; and
- (c) The estimated reimbursement to be assessed to each public utility for that fiscal year under §1301 and the fraction used to calculate same.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3246 (July 30, 1982).

1303 PAYMENT OF REIMBURSEMENTS

1303.1 During each fiscal quarter, the Commission shall separately send each public utility a "Statement of Reimbursement Due" which shall include a separate invoice for the Commission and the People's Counsel for approximately one fourth of that utility's reimbursement (as determined under §1301), including applicable adjustments made to the reimburseable budgets from time to time, as set forth in §1305.

1303.2 Invoices shall be paid in full to the Treasurer of the District of Columbia within twenty (20) days of the date of receipt, except that all invoices shall be paid before the last day of the fiscal year.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3246 (July 30, 1982).

1304 SUPPLEMENTAL REIMBURSEMENTS

1304.1 Each public utility shall be required to reimburse a fraction of any supplemental appropriation received by People's Counsel or the Commission during the fiscal year (excluding appropriations for security regulation by the Commission)

according to the formula under §1301. The Commission shall incorporate the supplemental reimbursements in the two (2) subsequent quarterly invoices, except that if only one (1) quarter remains in that fiscal year, the entire supplemental reimbursement shall be incorporated in the fourth (4th) quarter invoice.

- 1304.2 If the fourth (4th) quarter invoice has already been issued, a special invoice shall be issued during the fourth (4th) quarter.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3247 (July 30, 1982).

1305 SPECIAL REIMBURSEMENT FOR FISCAL YEAR 1980

- 1305.1 A percentage equal to four and ninety eight hundredths of a percent (4.98%) of the total fiscal year 1980 expenditures by the People's Counsel and by the Commission (except amounts spent by the Commission for security regulation) attributable to the eighteen (18) day period beginning September 13, 1980 (the effective date of the Act) and ending September 30, 1980, shall be assessed to the regulated utilities according to the formula under §1301. The assessments shall be included in the invoice for the second (2nd) quarter of fiscal year 1981.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3247 (July 30, 1982).

1306 REFUNDS

- 1306.1 If total obligations of the Commission and the People's Counsel are less than ninety five percent (95%) of total appropriations as determined by the Office of the Deputy Mayor for Financial Management, the Deputy Mayor for Financial Management shall cause the difference to be refunded to the public utilities according to the formula under §1301, within one hundred fifty (150) days following the end of the fiscal year.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3247 (July 30, 1982).

1307 WAIVER OF RULES

- 1307.1 The Commission may grant exception to this chapter, in a manner consistent with the Act, for good cause shown to promote justice or to prevent hardship; Provided, that not later than thirty (30) days after the exception is granted, the Commission shall publish a notice in the *District of Columbia Register*.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3247 (July 30, 1982).

1308 MISCELLANEOUS PROVISIONS

- 1308.1 Nothing contained in this chapter shall limit or alter the Commission's authority under D.C. Code §43-612(a) (1981 Ed.), to require reimbursement of the expenses, including the expenses of the People's Counsel, of any investigation, valuation, revaluation, or other proceeding by the Commission concerning a particular public utility.

SOURCE: Final Rulemaking published at 29 DCR 3245, 3248 (July 30, 1982).

1399 DEFINITIONS

1399.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Act - the Public Utilities Reimbursement Fee Act of 1980, D.C. Law 3-88 (codified at D.C. Code §43-612 (1981 Ed.)), effective September 13, 1980.

Commission - the Public Service Commission of the District of Columbia.

People's Counsel - the People's Counsel of the Government of the District of Columbia.

District - the District of Columbia.

Public Utility - any public utility, as defined under D.C. Code §43-203 (1981 Ed.), other than a common carrier.

Security Regulation - the responsibilities of the Commission under the District of Columbia Securities Act, approved August 30, 1964 (78 Stat. 620, D.C. Code §§2-2401 through 2-2418 (1981 Ed.)).

SOURCE: Final Rulemaking published at 29 DCR 3245 (July 30, 1982).